PATENT

LINCP103US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being faxed to 571-273-8300 on the date shown below to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 223/3-1450.

RECEIVED CENTRAL FAX CENTER AUG 1 0 2006

Dete: 8-10-06

Strike Sugar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Keith Clark, et al.

Examiner:

Sam Bhattacharya

Serial No:

09/841,314

Art Unit:

2687

Filing Date:

April 24, 2001

Title:

SYSTEM AND METHOD TO FACILITATE WIRELESS COMMUNICATION IN A

WELDING ENVIRONMENT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO REVIVE FOR UNINTENTIONAL DELAY UNDER 37 C.F.R. §1.137(b) AND REQUEST FOR WAIVER OF FEE UNDER 37 C.F.R. §1.17(m)/
SUBMISSION PURSUANT TO 37 CFR §1.114

Dear Sir:

A Submission Pursuant to 37 CFR §1.114 is being filed concurrently herewith.

09/841,314 LINCP103US

Due to a Patent Office error, the above-identified application became statutorily abandoned for failure to timely reply to a Final Office Action dated September 29, 2005, however, a Notice of Abandonment has not been issued. Applicants, through their undersigned representative, hereby request revival of the subject application and waiver of the petition fee for the following reasons.

Applicants' representative received a Final Office Action dated September 29, 2005, which set a 3-month Shortened Statutory Period for Reply. Applicants' representative submitted a complete timely Reply to the Final Office Action on November 8, 2005, which was believed to place the application in condition for allowance. Thus, the complete Reply was submitted within two months of the date of the Final Office Action. Applicants' representative received no further correspondence from Examiner Bhattacharya until July 27, 2006, when an Advisory Action was mailed. In the Advisory Action, the rejection of claims 7-12, 20, 22, 25 and 26 under 35 U.S.C. 103(a) were withdrawn. In a telephonic communication with the Examiner upon receipt of the Advisory Action (and during further telephonic communications), it was indicated by the Examiner that the delay with regard to the issuance of the Advisory Action was an error on the part of the Patent Office and that the application is not abandoned (See Interview Summary dated August 1, 2006). Therefore, it is believed that the statutory abandonment of the subject application is due to a Patent Office error for failure to timely issue an Advisory Action.

In view of at least the above, it is respectfully requested that the fee for the Petition to Revive be waived. Since the above-identified utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

Applicants' representative respectfully submits that the entire delay in filing the required reply, from the due date for the reply until the filing of a grantable petition pursuant to 37CFR § 1.137(b), was unintentional.

In the event that waiver of the petition fee is not granted, the Commissioner is authorized to charge the revival fee in accordance with 37 C.F.R. §1.17(m), to Deposit Account No. 50-1063 [LINCP103US]. If any additional fees are required in connection with this document, the Commissioner is authorized to charge them to the above-noted Deposit Account number.

09/841,314

LINCP103US

Attached herewith is a submission pursuant to 37 CFR §1.114, filed concurrently with an RCE, for the above-identified patent application.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

Himanshu S. Amin Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP 24TH Floor, National City Center 1900 E. 9TH Street Cleveland, Ohio 44114 Telephone (216) 696-8730 Facsimile (216) 696-8731